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40 CFR Ch. I (7–1–14 Edition)

Part 722 Appendix A; Part 723, Sections 723.110–723.131; Part 724, Sections 724.101–724.321, 724.326–724.351, 724.354–724.451, Part 724 Appendices A, D, E; Part 725, Sections 725.101–725.248, 725.270–725.530, Part 725 Appendices, A, C, D, E; Part 726, Sections 726.120–726.180; Part 728; and Part 729, Sections 729.100–729.321; (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

Copies of the Illinois regulations that are incorporated by reference in this paragraph are available from the Secretary of State, Administrative Code Division, 288 Centennial Building, Springfield, Illinois 62756. Copies may be inspected at U.S. EPA headquarters, 1200 Pennsylvania Ave., NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(ii) [Reserved]

(2) The following statutes and regulations concerning State enforcement and procedures, although not codified herein, are part of the authorized State program:

(i) Illinois Revised Statutes, chapter 111½, sections 1001 through 1003.52; sections 1003.54 through 1005.1; sections 1007 through 1007.1; section 1020(c); sections 1020.1 through 1022.3; sections 1022.5 through 1022.6; sections 1030 through 1034; and section 1039 parts a, d, g, k.

(ii) Illinois Administrative Code, Title 35 Part 700, Sections 700.101–700.504; Part 702 Sections 702.105–702.109; Part 705, Section 705.101–705.212; Part 720, Sections 720.140–720.141; and Title 2, Part 1826, Sections 1826.101–1826.503, Section 1826 Appendices A and B. (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

(b) *Memorandum of Agreement*. The Memorandum of Agreement between EPA-Region V and the Illinois Environmental Protection Agency, signed by the EPA Regional Administrator on January 26, 1990, is part of the authorized hazardous waste management pro-

gram under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority*. The Illinois Attorney General's Statements for final authorization signed by the Attorney General of Illinois on June 4, 1985, July 15, 1986, May 26, 1988, and February 23, 1990 are part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description*. Program Descriptions dated July 26, 1985, August 7, 1986, November 29, 1988, and May 18, 1990, and any other materials submitted as part of, or as supplements to, the original application or revision applications are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 37651, Sept. 12, 1989, as amended at 57 FR 3723, Jan. 31, 1992; 57 FR 45576, Oct. 2, 1992; 69 FR 18803, Apr. 9, 2004]

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Subpart P—Indiana

§ 272.751 Indiana state-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Indiana has final authorization for the following elements as submitted to EPA in Indiana's base program application for final authorization which was approved by EPA effective on January 31, 1986. Subsequent program revision applications were approved effective on December 31, 1986, January 19, 1988, September 11, 1989, September 23, 1991 (two separate revisions), September 27, 1991, September 30, 1991, October 21, 1996, November 30, 1999, and January 4, 2001.

(b) *State statutes and regulations*. (1) The Indiana statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Copies of the Indiana regulations that are incorporated by reference in this paragraph are available from the Indiana Legislative Services Agency, Administrative Code

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and Register Division, 302 State House, Indianapolis, Indiana 46204.

(i) The EPA approved Authorized Indiana Statutory Requirements Applicable to the Hazardous Waste Management Program, dated March 2001.

(ii) The EPA approved Indiana Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March 2001.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Annotated Indiana Code, 1998 edition, Title 13, Article 4-21.5, 5-14-3-2, 13-11-2, 13-14-2-2, 13-14-9, 13-14-10, 13-15-2, 13-19-1, 13-19-2, 13-20, 13-22-1, 13-22-3, 13-22-5 through 13-22-14, 13-23, 13-30, and 23-1-16.

(ii) Indiana Administrative Code, as amended, 1996 edition, certified October 24, 1995, 2000 cumulative supplement, certified November 30, 1999, sections 329 IAC 3.1-1-1 through 3.1-1-6;

3.1-1-8 through 3.1-1-14; 3.1-2-1 through 3.1-2-16; 3.1-3-1 through 3.1-3-9; 3.1-4-2 through 3.1-4-26; 3.1-13-5; 3.1-13-8 through 3.1-13-17; 3.1-14-2; 3.1-14-3; and 13-1-3 through 13-1-6.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, and are not incorporated by reference: Indiana Administrative Code as amended, 1996 edition, certified October 24, 1995, 2000 cumulative supplement, certified November 30, 1999, sections 329 IAC 3.1-6-3; and 3.1-8-4.

(4) *Unauthorized State provisions:* Although the Federal rules listed in the following table have been adopted by the State and have been included in the materials incorporated by reference in paragraph (b)(1) of this section, EPA has not authorized the State for these rules at this time. While they may be enforceable under State law, they are not enforceable under RCRA:

Federal requirement	FEDERAL REGISTER reference	Publication date
1. Hazardous Waste Management System; Testing and Monitoring Activities (Checklist 158).	62 FR 32452	June 13, 1997.
2. Kraft Mill Stream Stripper Condensate Exclusion (Checklist 164)	63 FR 18504	April 15, 1998.
3. Recycled Used Oil Management Standards; Technical Correction and Clarification (Checklist 166) as amended (Checklist 166.1).	63 FR 24963	May 6, 1998.
4. Bevill Exclusion Revisions and Clarification (Checklist 167E)	63 FR 37780	July 14, 1998.
5. Exclusion of Recycled Wood Preserving Wastewaters (Checklist 167F)	63 FR 28556	May 26, 1998.
6. Hazardous Waste Combustors Revised Standards (Checklist 168)	63 FR 33782	June 19, 1998.
7. Universal Waste Rule; Technical Amendment (Checklist 176)	63 FR 71225	December 24, 1998.

(i) Additionally Indiana has adopted but is not authorized to implement the HSWA rules that are listed the following table. EPA will continue to im-

plement the Federal HSWA requirements for which Indiana is not authorized until the State receives specific authorization for those requirements:

Federal requirement	FEDERAL REGISTER reference	Publication date
1. HSWA Codification Rule 2; Corrective Action for Injection Wells (Checklist 44C).	52 FR 45788	December 1, 1987.
2. Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 85).	56 FR 7134	February 21, 1991.
3. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments (Checklist 94).	56 FR 32688	July 17, 1991.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (Checklist 96).	56 FR 42504	August 27, 1991.
5. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklist 111).	57 FR 38558	August 25, 1992.
6. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV (Checklist 114).	57 FR 44999	September 30, 1992.
7. Requirements for Preparation, Adoption, and Submittal of Implementation Plans (Checklist 125).	58 FR 38816	July 20, 1993.
8. Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 127).	58 FR 59598	November 9, 1993.

Federal requirement	FEDERAL REGISTER reference	Publication date
9. Land Disposal Restrictions-Phase IV: Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions (Checklist 157).	62 FR 25998	May 12, 1997.
10. Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Checklist 159).	62 FR 32974	June 17, 1997.
11. Land Disposal Restrictions-Phase III—Emergency Extension of the K088 National Capacity Variance (Checklist 160).	62 FR 37694	July 14, 1997.
12. Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production (Checklist 161).	62 FR 45568	August 28, 1997.
13. Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment (Checklist 163).	62 FR 64636	December 8, 1997.
14. Land Disposal Restrictions-Phase IV: Treatment Standards for Metal Wastes and Mineral Processing Wastes (Checklist 167A), Hazardous Soils Treatment Standards and Exclusions (Checklist 167B), and Corrections (Checklist 167C) as amended (Checklist 167C.1).	63 FR 28556 63 FR 31266	May 26, 1998. June 8, 1998.
15. Petroleum Refining Process (Checklist 169) as amended (Checklist 169.1).	63 FR 42110	August 6, 1998.
16. Land Disposal Restrictions-Phase IV (Checklist 170)	63 FR 54356	October 9, 1998.
17. Emergency Revisions of the Land Disposal Restrictions Treatment Standards (Checklist 171).	63 FR 46332 63 FR 47409	August 31, 1998. September 4, 1998.
18. Emergency Revision of the Land Disposal Restrictions Treatment Standards (Checklist 172).	63 FR 48124	September 9, 1998.
19. Land Disposal Restrictions Treatment Standards (Spent Potliners) (Checklist 173).	63 FR 51254	September 24, 1998.

(ii) Some regulations listed in the table in paragraph (b)(4)(i) of this section are predominantly HSWA authority but contain provisions that are not HSWA authority. EPA will not enforce these non-HSWA provisions. The affected rules are as follows:

(A) Burning of Hazardous Waste in Boilers and Industrial Furnaces (BIF), including BIF (February 21, 1991);

(B) Corrections and Technical Amendments I (July 17, 1991);

(C) Technical Amendments II (August 27, 1991);

(D) Technical Amendments III (August 25, 1992);

(E) Amendment IV (September 30, 1992);

(F) Requirements for Preparation, Adoption, and Submittal of Implementation Plans (July 20, 1993); and

(G) BIF (November 9, 1993).

(iii) EPA will not enforce BIF rules for Sludge Dryers, Infrared Incinerators, Plasma Arc Incinerators, and Carbon Regeneration Units, until Indiana is authorized for these rules. Petroleum Refining Process (August 6, 1998, as amended October 9, 1998) 40 CFR 261.3, 261.4, and 261.6 are non-HSWA provisions. Standards Applicable to Owners and Operators of Closed/Closing Facilities (October 22, 1998) 40

CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except § 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are non-HSWA provisions. Hazardous Remediation Waste Management Requirements (HWIR Media) (November 30, 1998) 40 CFR 261.4(g), 264.1(j)(1–13), 264.73(b)(17), 270.2, 270.11(d), 270.68, 270.73(a), and 270.79 through 270.230 (40 CFR part 270, subpart H) except § 270.230(e)(1) are non-HSWA provisions. Until Indiana becomes authorized for these rules, EPA will not enforce the non-HSWA provisions.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region 5 and the Indiana Department of Environmental Management, signed by the Commissioner of the IDEM on February 14, 1996 and acknowledged by the EPA Regional Administrator in the FEDERAL REGISTER noticed signed on July 29, 1996, August 2, 1999, and December 14, 2000, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of legal authority*. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Indiana on June 28, 1985 and revisions, supplements and addenda to

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that Statement dated August 26, 1986, June 1, 1987, December 15, 1987, March 25, 1988, July 22, 1988, December 15, 1989, May 29, 1996, March 24, 1997, and January 31, 2000 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[66 FR 53728, Oct. 24, 2001]

§§ 272.752–272.799 [Reserved]

Subpart Q—Iowa

§§ 272.800–272.849 [Reserved]

Subpart R—Kansas

§§ 272.850–272.899 [Reserved]

Subpart S—Kentucky

§§ 272.900–272.949 [Reserved]

Subpart T—Louisiana

§ 272.950 [Reserved]

§ 272.951 Louisiana State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Louisiana final authorization for the following elements as submitted to EPA in Louisiana's base program application for final authorization which was approved by EPA effective on February 7, 1985. Subsequent program revision applications were approved effective on January 29, 1990, October 25, 1991 as corrected October 15, 1991; January 23, 1995 as corrected April 11, 1995; March 8, 1995; January 2, 1996; June 11, 1996, March 16, 1998, December 22, 1998, October 25, 1999, November 1, 1999, April 28, 2000, March 5, 2001, February 9, 2004, August 9, 2005, January 12, 2007, October 15, 2007, July 20, 2009, October 4, 2010, August 23, 2011, August 27, 2012, September 11, 2012 and November 25, 2013.

(b) The State of Louisiana has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.* (1) The Louisiana statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Louisiana regulations that are incorporated by reference in this paragraph from the Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095; Phone number: (225) 342-5015; Web site: <http://doa.louisiana.gov/osr/lac/lac.htm>. The statutes are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526; Phone: 1-800-328-4880; Web site: <http://west.thomson.com>. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The binder entitled “EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated September 2012.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume